

**PARALEGAL PRACTITIONER
STEERING COMMITTEE
MEETING**

**Minutes
Thursday, June 16, 2016
Executive Dining Room
Matheson Courthouse
Salt Lake City, Utah**

Judge Royal Hansen, Presiding

ATTENDEES:

Justice Deno Himonas, Chair (by phone)
Dean Robert W. Adler
Allison Belnap (by phone)
Mary Jane Ciccarello
Terry Conaway
Sue Crismon
James Dean
Julie Emery
Judge Royal Hansen, vice chair
Dixie Jackson

STAFF:

Tim Shea
Jody Gonzales

GUESTS:

Amy Cordono

ATTENDEES:

Jim Jardine
Steven Johnson
Comm. Kim Luhn
Ellen Maycock
Daniel O'Bannion
Rob Rice
Monte Sleight
Judge Kate Toomey
Elizabeth Wright

EXCUSED:

John Baldwin
Adam Caldwell
Thomas Clarke
Scott Jensen
Senator Stephen Urquhart

1. WELCOME AND APPROVAL OF MINUTES: (Judge Royal Hansen)

Judge Hansen welcomed everyone to the meeting, and he mentioned that a few committee members were unable to attend. Justice Himonas planned to attend by phone, and Ms. Allison Belnap had already joined by phone. A guest, Ms. Amy Cordono, was welcomed to the meeting. Judge Hansen asked everyone to introduce themselves.

Mr. Shea mentioned that Mr. James Ishida has been appointed as the new Appellate Court Administrator. Mr. Shea provided background information of his work experience. A start date has not been confirmed yet. Mr. Ishida will staff the Paralegal Practitioner Steering Committee.

Motion: Judge Toomey moved to approve the April 21 committee minutes. The motion was seconded, and it passed unanimously.

2. SUBCOMMITTEE UPDATES:

Admissions and Administration Subcommittee:

Mr. Rice highlighted the following relative to the Admissions and Administration Subcommittee's work: 1) several meetings were held by the subcommittee; 2) several rules were drafted and revised to identify policy issues relative to the admittance and administration process

of the paralegal practitioner; 3) coordination of efforts by all subcommittees was done by referring to the subcommittee reports; 4) request further discussion on the use of the NALA and NALS examinations relative to becoming a paralegal practitioner; and 5) consideration of the process and timing of admitting lawyers is taking place when drafting and revising the appropriate rules to allow, procedurally, for them to occur around the same time.

Issues being considered by several subcommittees: 1) establishment of grand-parenting waivers and equivalencies for current paralegals, and 2) experience requirement of an existing paralegal prior to taking the licensing exam to become a paralegal practitioner.

Feedback was sought from the steering committee as to whether it would be a good idea to make a request to the Honors College of the Eccles School of Business to create a capstone course, practice lab, or some type of senior project to conduct market research on behalf of the steering committee.

Discussion took place.

Areas to consider with regard to market research: 1) what would the research look like, 2) how would the paralegal practitioners access this group, and 3) how to market to the consumers.

The steering committee was in agreement to making such a request for market research. Clarification as to whether it would be appropriate would be discussed with Mr. Brent Johnson, general counsel for the courts.

Education Subcommittee:

Dean Adler highlighted the following relative to the Education Subcommittee's work:

1) members of the subcommittee were charged with drafting the learning outcomes of a paralegal practitioner, 2) generic learning outcomes were developed, 3) development of substance area specific competencies, 3) development of steps to ensure the learning outcomes and competencies have been met by the licensed paralegal practitioner, and 4) consideration of the NALA and NALS paralegal study programs and examinations.

LPP Course focus to include: 1) general rules of professional responsibility and ethics, 2) separate substantive courses and exams in the appropriate three practice areas, and 3) separate exam for the professional ethics.

The education and exam components for the JD applicants is a separate issue that will need to be addressed after the education and exam components for regular licensed paralegal practitioner applicants have been outlined.

Discussion took place throughout.

Ethics and Discipline Subcommittee:

Judge Toomey highlighted the following relative to the Ethics and Discipline Subcommittee's work: 1) a line edit of the appropriate rules has begun; 2) identifying policy issues as appropriate; 3) consideration of a pro bono requirement similar to what is required of attorneys, 4) touched on the matter of reciprocal licensure, determining there was no need to address the matter further at this time; and 5) defining the practice of law with proposed revisions to Rule 14-802 – Authorization to practice law.

The question as to how to handle applicants that would include disbarred or disciplined attorneys will need to be addressed by the Ethics and Discipline Subcommittee.

Tim raised the issue of privilege and confidentiality where the client would be encouraged to provide full disclosure of the case to the paralegal practitioner so that the paralegal practitioner would be able to determine how much of the case can be handled by the licensed paralegal practitioner and what would need to be handled by an attorney.

Discussion took place throughout.

Executive Subcommittee:

Judge Hansen highlighted the following relative to the Executive Subcommittee's work:

- Outreach efforts relative to the work being addressed by the paralegal practitioner steering committee continues.
- Change of a preliminary position regarding the paralegal practitioner representing a client in non-mediated negotiations – Rule 14-802. Anyone can represent a client in mediation negotiations. It is preferable to allow the paralegal professional to represent the client even in non-mediated negotiations, but the negotiation would be limited to matters raised in the forms.
- Preliminary discussion of ABA Resolution 105.
- The matter of equity ownership of firms would be addressed further by the Ethics and Discipline Subcommittee. To aid in addressing the matter further, the steering committee agreed that the paralegal practitioner should have no supervisory responsibility and no controlling equity interest.

Ms. Cordono, provided feedback on the role of the paralegal practitioner, from the viewpoint of an attorney. Judge Hansen noted that feedback is being received from other CLE groups to help the Subcommittee as they look at the role of the licensed paralegal practitioner. She was thanked for her feedback.

Mr. Shea noted that there was consensus that paralegal practitioners should be considered officers of the court.

Discussion took place throughout the update.

3. ASSIGNMENTS

Next meeting will be August 18.

4. ADJOURN

The meeting was adjourned.